

### **REMARKS**

Receipt of the Office Action of April 5, 2005 is gratefully acknowledged.

Claims 1- 3 have been examined. These have been rejected as anticipated under 35 USC 102(e) by Masuo et al. This rejection is respectfully traversed.

In applying Masuo et al, the examiner states that they disclose a "casing having exercise quantity measuring means installed therein", referencing the abstract, and "at least one set of electrodes fixed to the surface of said portable casing for measuring bioelectrical impedance.", referencing the abstract.

A review of the abstract of Masuo et al reveals neither of these features. Masuo et al do relate to an impedance measuring device for a health management device, but not to one that has the two features noted.

The present invention is a combination of a body fat meter and a pedometer, and is capable of determining the necessary exercise quantity (number of steps ) for achieving a targeted body fat rate. The necessary exercise quantity as well as an actual exercise quantity is displayed by the invention. Consequently, one can use it as a guide for daily exercising. Masuo et al and the present invention are related in their fields of application, but they are not structural the same to justify a rejection under 35 USC 102. As is well established, a reference must show each and every element of a claim in order for that reference to anticipate the claim. This is not the case here, as note above. The casing having exercise quantity measuring means as claimed is not found as such in Masuo et al

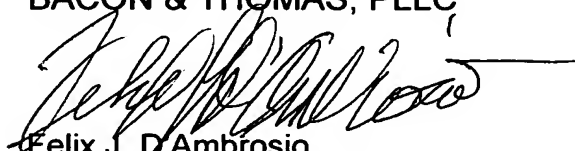
Claims 1 - 3 have been amended formally only, while new claim 4 has been added. New claim 4 was filed with the application. However, in the Article 11 (Article 34 PCT) Amendment it was not included. Accordingly, claim 4 was not examined. It has now been re-inserted into this application so that it can be examined along with the re-examination of claims 1 - 3.

U.S. Pat. Appl. 10/030,168

In view of the foregoing, reconsideration and re-examination are respectfully requested and claims 1 - 4 found allowable.

Date: July 5, 2005

Respectfully submitted,  
BACON & THOMAS, PLLC



Felix J. D'Ambrosio  
Registration No: 25,721

**Customer Number \*23364\***  
**BACON & THOMAS**  
625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314  
Phone: (703) 683-0500

S:\Producer\jfd\CLIENTS\Kioizaka Law & Patent Offices\YAMA3022\Amend 02.wpd